

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

No. C-06-5567 MHP

BARRY J. WILLIBY,  
Plaintiff,

**ORDER DISMISSING  
COMPLAINT**

vs.

JOHN F. KENNEDY UNIVERSITY, et al.,  
Defendant(s).

Plaintiff having made an ex parte request to dismiss this action without prejudice to a pending state court action and service having not been effected and no answer having been filed in this action,

IT IS HEREBY ORDERED that the complaint herein is DISMISSED without prejudice to an action pending in the Superior Court of California, County of Contra Costa, docket no. MSC 06-01810.

The Clerk of Court shall close the file.

Date: December 27, 2006



MARILYN HALL PATEL  
Judge  
United States District Court  
Northern District of California

**ENDNOTES**

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